IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8494 OF 2007

Shri Shrirang Pandurang Pawar ....Petitioner

Versus

Vishnu Ganapati Pawar ....Respondents

and Ors.

Mr.Dilip Bodke for the petitioner.

Sanjay C.Prabhu i/by.N.V.Bandiwadekar for the respondents.

Coram: S.C.Dharmadhikari, J.

26.11.2007

P.C. :

1. In my view there is no reason to interfere with the order under challenge because the application preferred by the respondent no.3 third party co-operative society for joinder in the petitioners plaintiffs suit is

allowed on the basis of some interest created in the third party's favour by the petitioner's predecessors in title. There is a sale deed in favour of the third party by the predecessor in title of the petitioner plaintiff. Further, the allegation of the petitioner plaintiff is that the third party is being put up by the original defendant to obstruct and defeat the right of the petitioner in the said property. In such circumstances, and in facts peculiar to this case, the joinder of the third party appears to be in the interest of justice and to obviate any multiplicity of proceedings. There is no reason to interfere with the order under Article 227 of the Constitution of India. Petition dismissed. However the suit be decided uninfluenced by any observations in the impugned order.

****